



CITY OF ATLANTA

TIM KEANE
Commissioner


KEISHA LANCE BOTTOMS
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantsga.gov

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-321 for 607 Federal Terrace, S.E.

DATE: January 4, 2018

The applicant seeks a special exception to increase the maximum height of a privacy fence (wall) in the side yard to 8 feet where only a 6 foot fence or wall is permitted.

FINDINGS OF FACT:

Property Location: The subject property fronts 50 feet on the south side of Federal Terrace and begins 242 feet from the southeast intersection of Federal Terrace and Boulevard. The property is zoned R-4 (Single Family Residential). The property is located in Land Lot 24 of the 14th District, Fulton County, Georgia. It is in the Benteen Park neighborhood of NPU-W, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Residential).
- Minimum lot dimensions: frontage, 70 feet; minimum lot area, 9,000 square feet.
- Minimum yard setbacks: front yard 35 feet, side yard, 7 feet; rear yard, 15 feet.
- Maximum height of fences and walls in yard(s) is 4 feet.

Property Characteristics: The subject property has approximately 7,500 square feet with 50 feet of frontage. The property is currently developed with a two-story house. Vehicular access is provided by a curb cut along federal Terrace that leads to the attached parking garage. The topography inclines from the front property line towards the rear. There are a few mature trees and shrubbery located throughout the lot.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with one and two story single family dwellings. Properties in the immediate area are zoned R-4 (Single Family Residential) except for properties to the south, which are zoned C-1 (Community Business) district.

PROPOSAL: The applicant seeks a special exception to increase the maximum height of a privacy fence (wall) in the side yard to 8 feet where only a 6 foot fence or wall is permitted.

CONCLUSIONS: The following conclusions pertinent to this special exception request are in accordance with Section 16-28.008(5)(a)(1) of the City of Atlanta Zoning Ordinance.

Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood; (2) Such greater height is justified by requirements for security of persons or property in the area; (3) Such greater height is justified for topographic reasons; or (4) Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

Staff finds the applicants request to erect an 8-foot wooden wall within the side yard setback at the rear of the property is justified for a topographic reason and compatible with the character of the surrounding neighborhood. The yard has a step-down and the extension of fence beyond this is taller to accommodate the topography. Additionally, the neighboring properties at 616 and 609 Federal Terrace has also a wooden wall of similar height to accommodate topography. Therefore, Staff is of the opinion that the applicant's request to erect an 8-foot wooden wall setback is reasonable, given the proposal is in character with the neighborhood and is justified for a topographic reason.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-323 for 1323 Northview Avenue, N.E.

DATE: January 4, 2018

The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet 7 inches and the north side yard setback from 7 feet to 6 feet for a second story addition to an existing single-family dwelling. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 55 feet on the northeast side of Northview Avenue and begins 374 feet from the intersection of Northview Avenue and Courtenay Drive. The property is located in Land Lot 2 of the 17th District, Fulton County, Georgia within the Morningside-Lenox Park neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-4 (Single-Family Detached Residential District).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.

Property Characteristics: The subject property is a rectangular lot of approximately 8,528 square feet with 58 feet of frontage along Northview Avenue and is currently developed with a one-story red brick home. Vehicular access to the property is provided by a concrete driveway to the south of the residential structure that ends in the rear. The subject property has two mature trees and some shrubbery in the front yard.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape. They are developed with one and two story single-family dwellings. Generally, most of the lots in the area have varying frontage. Properties in the immediate area are zoned R-4 (Single-Family Residential).

PROPOSAL: The applicant seeks a variance to reduce the front yard setback from 35 feet to 29 feet 7 inches and the north side yard setback from 7 feet to 6 feet for a second story addition to an existing single-family dwelling. Applicant seeks no other variances at this time.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The frontage is deficient by 12 feet for properties zoned R-4. With 8,527 square feet in area, the subject property is also deficient in size for R-4 zoned properties. Therefore, Staff finds the lot does possess extraordinary and exceptional conditions based on the lot size and width.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause a hardship in preventing an addition, as desired, on a nonconforming lot. If the zoning regulations were to be applied, the owner would be compromised in adding another level onto their home to accommodate their growing family. The home also currently encroaches into the north yard setback by six (6) feet, and 29.7 feet into the front yard setback. Therefore, Staff is of the opinion that the proposed encroachment would be reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other nearby structures and is unaware of adjacent properties with similar encroachments. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment on emergency access or threats to health and fire safety because the proposed improvements are vertical. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds the reduction of the east and front yard setback to allow the second-floor addition as reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-325 for 918 Glenbrook Drive, N.W.

DATE: January 4, 2018

The applicant seeks a variance to reduce the front yard setback from 50 feet to 39 feet for an addition to an existing single family dwelling. Applicant seeks no other variances at this time.

The applicant has requested a deferral in order to meet with the NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE HEARING

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-328 for 594 Irwin Street, N.E.

DATE: January 4, 2018

The applicant seeks a variance to reduce the transitional yard from 20 feet to 10 feet to allow parking and landscaping in the transitional buffer. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts approximately 76 feet on the north side of Irwin Street, beginning at the northeast intersection of Irwin Street, N.E. and Randolph Street, N.E. The property is located in in the Old Fourth Ward Neighborhood of NPU M, Council District 2. It is located within Land Lot 19 of the 14th District, Fulton County, Georgia.

Relevant Zoning Requirements:

- The subject property is zoned MRC-1/HC-20I SA1/BL (Mixed Residential Commercial/ Martin Luther King Jr. Historic District/Beltline Overlay).
- Minimum lot dimensions: None.
- Transitional Side yard - Sec. 16-34.009.(3)(a)
 - Where this district adjoins an R-1 through R-5, R-G, MR, RLC or PD-H district without an intervening street...a minimum of 20 feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten feet in width. Such yards shall be planted as approved by the city arborist and maintained as a landscaped strip.

Property Characteristics: The property consists of approximately 7,623 square feet (0.175 acre) of land. The lot is currently developed with a single story building that may have been converted to a religious worship facility. The topography of the lot is relatively level. Vehicular access to the property is currently gained through curb cuts, one north of the structure on Randolph Street and the other east of the building on Irwin Street. The lot contains a few trees and shrubs along the northern and eastern property lines.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in size and shape as well as land use and zoning designations. The subject property is surrounded by single and two-family dwellings to the north and east zoned R-5 (Two-Family Residential). Also to the east commercial and multi-family parcels with RG-2 (Residential General-Sector 2) and C-1-C (Community Business-Conditional) zonings. At the southeast intersection of Irwin Street and Randolph Street is a community grocery store with a HC-20C SA2 (Martin Luther King, Jr. Historic District Sub Area 2) zoning. This intersection is planned as a small commercial node within the Old Fourth Ward Community. The subject lot's overlay zoning, HC-20C SA6 (Martin Luther King, Jr. Historic District) Subarea 5, designates this area as a transitional zone. This allows for a lessening of density and intense uses, from the higher intense uses along the Boulevard corridor to the west, to the lower density commercial and residential uses to the east. The two southern corners of this intersection are already designated for community commercial use. At the northwest corner is the vacant David T. Howard High School. Further to the southeast of the subject lot on Irwin Street, is the Studioplex mixed-use development that contains offices, retail, restaurants, and residential lofts abutting the Atlanta Beltline Eastside Trail corridor.

PROPOSAL: The applicant seeks a variance to reduce the transitional yard from 20 feet to 10 feet to allow parking and landscaping in the transitional buffer. The applicant has proposed to develop the 0.175-acre lot with three (3) attached owner-occupied townhomes approximately 2,000 square feet each and a 2,000 square foot commercial office space. The commercial space will front the intersection of Irwin Street and Randolph Street. Access to the property will be via a one-way curb cut on Irwin Street and will exit via a curb cut on Randolph Street. City Council approved a rezoning (Z-17-074) and land use amendment (CDP-17-034) for the subject parcel on December 4, 2017. Staff would like to note that this parcel is in a historic designated area. Therefore, any additional stipulations pertinent to the development will be reviewed by the Urban Design Commission.

CONCLUSION: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** Because there are no minimum size and frontage requirements for properties that are zoned MRC-1, there are no standards against which to compare the square footage and width of the subject property in order to determine whether its size or width are extraordinary and exceptional. Because it is not possible to determine whether the lot has extraordinary and exceptional lot conditions does not lead to the conclusion that the subject property does not meet this criterion; rather, it renders this criterion not applicable.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** The strict application of the Zoning Ordinance would cause a hardship by preventing the reasonable redevelopment of an under-utilized parcel. The applicant's request for the reduction of the transitional side yard setback from 20 feet to 10 feet is only designated for the east side yard area needed for the purpose of providing the required amount of parking for the 2,000 square feet of commercial space. City code Section 16-34.021(7)(l) states that a parcel zoned MRC-1 must provide two and one-half parking spaces per 1,000 square feet. The code also states that off-street parking shall not be located between the building and street. Therefore, the only area available to allow for 5 off-street parking spaces is in the transitional side yard. Based on the aforementioned, Staff finds this request reasonable.

- c. **Such conditions are peculiar to the particular piece of property involved.** As previously stated in criteria “a”, because there are no minimum requirements for size and frontage for parcels zoned MRC-1, there are no standards against which to determine whether its size or width are extraordinary and exceptional. However, the limitation on the location of parking spaces is peculiar for the subject property due to the lot fronting Irwin Street and Randolph Street. City code prohibits off-street parking spaces to be located between a building and the right-of-way on parcels zoned MRC-1. Therefore, the location of parking is peculiar to the subject property.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested addition. The request allows an increase in the quality of life without having to relocate to a new neighborhood, which improves and reinforces the sustainability of the community.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-214 for 537 Joseph E. Boone Boulevard, N.W.

DATE: January 4, 2018 (*deferred October 12, 2017 & December 7, 2017*)

The applicant seeks a special exception to reduce the required parking from 109 spaces to 65 spaces. Applicant seeks no other special exceptions at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 321 feet on the north side of Joseph E. Boone Boulevard and begins at the northeast intersection of Joseph E. Boone Boulevard and Maple Street. The property is located in Land Lot 82 of the 14th District, Fulton County, Georgia. It is in the English Avenue Neighborhood of NPU-L, Council District 3.

Relevant Zoning Requirements:

- The subject property is zoned I-2 (Heavy Industrial)
- Parking Requirements: *Hotels and motels:* One space per rental unit plus one-half space per employee; one space per 100 square feet of restaurant/lounge gross leasable area; one space per 300 square feet of other convention facilities (GLA).

Property Characteristics: The subject property is an irregular shaped lot with 50,104 square feet in area and 321 feet of frontage along Joseph E. Boone Boulevard. The property also fronts Maple Street and Jones Avenue. An existing industrial type building is located on majority of the lot. Vehicular access is provided via curb cuts located off Maple Street and Jones Avenue. Topography varies throughout the subject lot.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area vary in shape and size. They are developed with single family dwellings, multifamily developments and industrial buildings. Properties in the immediate area are zoned I-2 (Heavy Industrial), SPI-11, SA12 and SPI-11, SA7 (Vine City & Ashby Station Special Public Interest District).

PROPOSAL: The applicant is requesting a special exception to reduce the parking in order to construct a hotel with 104 rooms. Majority of the existing building will be demolished. However, a portion of the building that fronts along Joseph E. Boone Boulevard will remain and will contain 10 parking spaces located inside the remaining portion of the existing building. The remaining parking will be located along the perimeter of the subject property.

CONCLUSIONS:

The following conclusions to this request for a special exception are in accordance with Section 16-26.006 of the City of Atlanta Zoning Ordinance.

The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

The subject lot has frontage along three right of ways and is subject to a minimum 20 foot side yard setback. The setback requirement has an impact on the location of the proposed hotel as well as the parking. The new hotel will be built approximately on the same footprint as the previous building which thereby mitigates the need for a building setback reduction. However, the placement of the building inside of the setbacks limits the amount of parking the lot can accommodate. The proposed 65 parking spaces will be located along the perimeter of the subject lot which allows for maximum parking utilization. However, the shape of the lot coupled with its adjacency to three public right of ways limits additional onsite parking. Therefore, the applicant has proposed to utilize valet service and is actively seeking offsite parking to provide excess parking if needed. The proposed hotel is in close proximity to MARTA train stations, the Mercedes Benz Stadium, the Georgia World Congress Center and several surface parking lots. With the recent trend of people utilizing car services such as Uber and Lyft, many of the guests will not drive to the hotel. Additionally, the proposed hotel is located near single family dwellings and therefore, less parking is encouraged to prevent excess traffic and congestion in the area. Based on the reasons as listed above, Staff is of the opinion that the proposed hotel would promote desirable living conditions by improving a parcel that is currently undeveloped and it will reinforce the stability of the surrounding neighborhood. Therefore, the applicant's proposal to reduce the parking to 65 onsite spaces is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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TIM KEANE
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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-254 for 735 Elbert Street, S.W.

DATE: January 4, 2018 (*deferred December 7, 2017*)

The applicant seeks a variance to reduce the east side yard setback from 7 feet to 4 feet, the rear yard setback from 15 feet to 1.6 feet and to allow an accessory structure to exceed 30% of the floor area of the main structure to 66% for the construction an accessory structure. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property is located on the north side of Elbert Street and begins approximately 102 feet from the northwest corner of the intersection of Elbert Street and Mayland Avenue. The property is located in Land Lot 106 of the 14th District, Fulton County, Georgia. It is in the Adair Park neighborhood of NPU-V, Council District 12.

Relevant Zoning Requirements:

- The subject property is zoned R-4A/HC-20I SA1/BL (Single-Family Residential/ Adair Park Historic District/Beltline Overlay).
- Minimum lot dimensions: frontage, 50 feet; minimum lot area, 7,500 square feet.
- Minimum yard setbacks: front yard, 30 feet; half-depth front yard, 15 feet; side yard, 7 feet; rear yard, 15 feet.
- Accessory buildings in R-1 through R-5 districts shall not contain a total floor area greater than 30 percent of the main structure.

Property Characteristics: The subject property has a rectangular shape that is approximately 8,327 square feet and fronts approximately 50 feet along Elbert Street. The property is developed with a single-family home. The topography slopes downward in a southerly direction from the rear property line to the front property line by approximately 7 feet. There are several trees around the perimeter.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are of similar size and shape to the subject lot. They are developed with one and two story single-family dwellings. Some structures appear to have detached accessory structure that encroach into the required yards. All surroundings properties are zoned R-4A (Single-Family Residential).

PROPOSAL: The applicant seeks variance to reduce the east side yard setback from 7 feet to 4 feet, the rear yard setback from 15 feet to 1.6 feet and to allow an accessory structure to exceed 30% of the floor area of the main structure to 66% for the construction a 2-story accessory structure. Staff would like to note that this parcel is in a Historic designated area. Therefore, any additional stipulations to the development will be reviewed by the Urban Design Commission.

CONCLUSION: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The subject property meets the minimum requirement for properties zoned R-4A with 50 feet of frontage and a total lot area of 8,327 square feet. The lot's topography slopes to the rear, increasing approximately 7 feet from the right-of-way to the rear. The lot also contains multiple mature trees in the rear of the property that prohibits the amount of buildable area. Therefore, staff finds topography to be of extraordinary and exceptional condition pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the Zoning Ordinance would cause a hardship by preventing the applicant from building an accessory structure. The existing floor area ratio of the house and existing lot coverage are less than the maximums that are permitted by the R-4 zoning therefore, there are "unused development permission" on the lot. The existing primary residential structure is 2,073 square feet. Based on the 0.50 FAR allowance, the applicant has approximately 2,091 square feet of unused development rights. The square footage of the proposed accessory structure's first floor garage will be 754 square feet and the unconditioned second floor will be 596 square feet for a total of 1,350 square feet. The applicant is thereby utilizing a portion of the unused development rights. The proposed accessory structure will be constructed on top of an existing parking pad that encroaches into the side and rear setbacks. Relocating the proposed structure within the buildable area would also require the removal of mature trees. Therefore, Staff is of the opinion that the request is reasonable.
- c. **Such conditions are peculiar to the particular piece of property involved.** The topography is not unique to the subject property. However, the encroachment is as Staff has not evaluated other properties and is unaware of similar conditions on adjacent properties. The existence of similar conditions on adjoining properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The requested variance would not impose upon adequate light and/or air on the adjacent properties. There is no potential impediment on emergency access or threats to health and fire safety because the property has adequate room for the requested addition. The request allows an increase in the quality of life without having to relocate to a new neighborhood, which improves and reinforces the sustainability of the community.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM *amended*

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board ~~DAW~~

SUBJECT: V-17-262 for 2861 Ridgewood Circle, N.W.

DATE: January 4, 2018 (*deferred December 14, 2017*)

The applicant seeks a variance to reduce the front yard setback from 60 feet to 30 feet to allow for the construction of a single-family dwelling. Applicant seeks no additional variances.

The applicant has requested a deferral to provide information to City officials regarding this proposal. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-298 for 603 Boulevard, S.E.

DATE: January 4, 2018 (*Deferred from December 7, 2017*)

The applicant seeks a variance to increase the average height of an accessory structure from 20 feet to 27.25 feet and to allow an accessory structure to exceed 30% of the floor area of the main structure to 50% for the construction of a garage. Applicant seeks no other variances at this time.

FINDINGS OF FACT:

Property Location: The subject property fronts 129 feet on the west side of Boulevard and begins 130 feet from the southwest intersection of Boulevard and Rosalia Street. The property is located in Land Lot 44 of the 14th District, Fulton County, Georgia within the Grant Park neighborhood of NPU-W, Council District 1.

Relevant Zoning Requirements:

- The subject property is zoned R-5/HC-20K SA1 (Two-Family Residential/Grant Park Historic District, Subarea 1).
- Minimum lot dimensions: Frontage: 50 feet; Minimum lot area: 7,500 square feet.
- Minimum yard setbacks: Front yard: 30 feet; Side yards: 7 feet; Rear yard: 7 feet.
- Section 16-28.004(3): Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, shall not contain a total floor area greater than 30 percent of the main structure.
- Section 16-07.008 (a): For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio including accessory dwelling units shall not exceed 0.50 of the net lot area.

Property Characteristics: The lot of approximately 28,533 square feet has an irregular shape with approximately 128 feet of frontage along Boulevard. There is vehicular access located to the northeast of the residential structure on the property. The property is currently developed with a single-family residential structure. The lot topography varies across the property. The property is well vegetated with several mature trees and shrubs throughout the property.

Characteristics of Adjoining Properties, Neighborhood: The lots in the surrounding area vary in size and shape. Parcels nearby are developed with single-family detached residential structures with the R-5/HC-20K SA1 (Two-Family Residential/Grant Park Historic District, Subarea 1) zoning to the north, east, and west, and developed with multifamily structures with the RG-2/HC-20K SA1 (Residential General, Sector 2/Grant Park Historic District, Subarea 1) to the south.

PROPOSAL: The applicant is requesting variances to increase the average height of an accessory structure from 20 feet to 27.25 feet and to allow an accessory structure to exceed 30% of the floor area of the main structure to 50% for the construction of a 2,102 square feet garage and carriage house.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** The lot area and width exceeds the minimum requirements for the R-5 zoning. The lot topography changes grade by approximately 6 feet across the property. However, topography does not have an impact on the proposed addition. Therefore, Staff finds that there are no extraordinary and exceptional conditions pertaining to this property.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would not cause an unnecessary hardship. The proposed two-story detached garage and carriage house will exceed the 20-foot height allowance for an accessory structure by approximately 7 feet, 4 inches due to the height of the pitched roof. Although, the subject lot does possess changes in the topographic conditions, the changes in grade does not impact the height of the proposed structure. The increase in height of the accessory structure will be quite noticeable from the street and from adjoining properties. Furthermore, Staff believes that the two-story structure could be constructed with a lower pitch roof or a flat roof with a parapet without exceeding the 20-foot height allowance.

The applicant proposes to construct a 2,102-square foot accessory garage and carriage house. The existing residential dwelling is 4,260 square feet of floor area, so an approximately 1,278-square foot accessory structure would be reasonably within the 30% maximum allowance of the principal structure floor area. The zoning regulations are in place to allow an accessory structure that is incidental and subordinate to the principal structure. Furthermore, Staff believes that an approximately 2,102 square foot accessory structure is excessive in comparison to the size of the accessory structures on nearby properties. The nearby properties, 595 Boulevard, S.E. and 614 Park Avenue, S.E., have accessory structures of approximately 342 square feet and 320 square feet respectively. Moreover, the proposed accessory structure has no screening or buffering that would cause its bulk to blend in with the surrounding neighborhood. Indeed, the accessory structure is quite noticeable from the street and from adjoining properties. Therefore, Staff is of the opinion that the construction would not be reasonable due to the height and size of the proposed accessory structure.

- c. **Such conditions are peculiar to the particular piece of property involved.** Several of the adjacent lots with the same zoning have similar conditions pertaining to the lot topography. As a result, the unique hardship identified on the subject property does not qualify as peculiar.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would impose upon the adequate light and/or air on the adjacent properties. Furthermore, the granting of the requested variances on a lot that exceeds the minimum requirements for the R-5 zoning does not support the intent of the zoning ordinance. Staff finds the increase in height and exceeding the maximum allowance of 30% for an accessory structure neither compelling nor substantive to allow the applicant the ability to carry out the proposed improvements to the subject property. Therefore, Staff finds the request to allow the construction of the proposed accessory garage and carriage house to be unreasonable.

RECOMMENDATION: DENIAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner

KEISHA LANCE BOTTOMS
MAYOR

DEPARTMENT OF CITY PLANNING
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board

SUBJECT: V-17-299 for 1930 Northside Drive, N.W.

DATE: January 4, 2018 (*Deferred from December 7, 2017*)

The applicant seeks a special exception to increase the height of a fence in the front yard from 4 feet to 6 feet, increase the height of a fence in the side and rear yards from 6 feet to 8 feet and a variance to increase the maximum lot coverage from 50% to 66% for the construction of a pool and fence. Applicant seeks no other variances at this time.

The applicant has requested a deferral to continue discussion with the NPU. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

TIM KEANE
Commissioner


KEISHA LANCE BOTTOMS
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CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board 

SUBJECT: V-17-317 for 801 Adair Avenue, N.E.

DATE: January 4, 2018 (*deferred December 14, 2017*)

The applicant seeks a variance to reduce the front yard setback from 35 feet to 34 feet, the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 2 feet, 7 inches and the rear yard setback from 15 feet to 3 feet for a second story addition to the single family dwelling, to construct a porte cochere and a detached garage

FINDINGS OF FACT:

Property Location: The subject property fronts 55 feet on the south side of Adair Avenue and begins 657 feet from the southwest intersection of Adair Avenue and Virginia Circle. The property is located in Land Lot 53 of the 17th District, Fulton County, Georgia within the Virginia Highland neighborhood of NPU-F, Council District 6.

Relevant Zoning Requirements:

- The subject property is zoned R-4/BL (Single Family Residential/Beltline Overlay).
- Minimum lot dimensions: Frontage: 70 feet; Minimum lot area: 9,000 square feet.
- Minimum yard setbacks: Front yard: 35 feet; Side yards: 7 feet; Rear yard: 15 feet.
- Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, shall not contain a total floor area greater than 30 percent of the main structure.

Property Characteristics: The subject property is a rectangular shaped lot of approximately 7,983 square feet and 55 feet of frontage along Adair Avenue. The lot is currently developed with a two-story single-family residence. Vehicular access to the property is provided by a concrete driveway to the east of the residence from Adair Avenue. There are a couple of trees in the front and backyard of the property.

Characteristics of Adjoining Properties, Neighborhood: Lots in the immediate area are similar in shape and size. They are developed with one and two story single-family dwellings. Properties in the immediate area are zoned R-4 (Single-Family Residential) district.

PROPOSAL: The applicant seeks a variance from zoning regulations to reduce the front yard setback from 35 feet to 34 feet, the east side yard setback from 7 feet to 3 feet, the west side yard setback from 7 feet to 2 feet, 7 inches and the rear yard setback from 15 feet to 3 feet for a second story addition to the single family dwelling, to construct a porte cochere and a detached garage.

CONCLUSIONS: The following conclusions pertinent to this request for a variance from the zoning regulations are in accordance with Section 16-26.003 and 16-06.008 of the City of Atlanta Zoning Code.

- a. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.** With a lot width of 55 feet and a lot area of 7,983 square feet, the subject property has inadequate frontage and lot area as prescribed by the Zoning Ordinance for properties zoned within the R-4 district. Therefore, Staff considers the subject property to satisfactorily meet this criterion because the extraordinary and exceptional lot conditions directly cause a hardship that could be alleviated by granting the requested variances.
- b. **The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship.** Application of the zoning regulations would cause an unnecessary hardship because of the deficiency in width and area. The subject property has an existing encroachment on the west side yard and front yard. The second story addition is proposed to be built on the existing footprint keeping the same degree of encroachment. The proposal to add a garage encroaches into the eastern side yard by 4 feet and the rear yard by 12 feet. Therefore, Staff finds the encroachment reasonable given the narrow lot and limited land for the development.
- c. **Such conditions are peculiar to the particular piece of property involved.** The encroachments are peculiar as Staff has not evaluated other structures and is unaware of adjacent properties with similar encroachments. However, the existence of similar conditions on adjoining neighborhood properties does not negate the desirability of the proposal.
- d. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.** The proposal would not impose upon the adequate light and/or air on the adjacent properties. Furthermore, the request would not pose a potential impediment to emergency access or threats to health and fire safety because the property has adequate room for the requested improvements. The request allows an increase in the quality of life, which improves and reinforces the sustaining stability of the surrounding neighborhood. Staff finds that the variance to allow the proposed second story addition and garage addition is reasonable.

RECOMMENDATION: APPROVAL

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director



CITY OF ATLANTA

KEISHA LANCE BOTTOMS
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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director
Office of Zoning and Development

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Racquel T. Jackson, Secretary to the Board

SUBJECT: V-17-322 for 887 Howell Mill Road, N.W.

DATE: January 4, 2018 (*Deferral from December 14, 2017*)

The applicant seeks a special exception to reduce onsite parking from 138 spaces to 16 spaces with 55 offsite parking spaces. Applicant seeks no other special exceptions at this time.

The applicant has requested additional deferral to confirm the parking based on the mixture of uses. Staff is supportive of this request.

RECOMMENDATION: DEFERRAL TO THE NEXT AVAILABLE AGENDA

cc: Keyetta M. Holmes, Zoning Administrator
Charletta Wilson Jacks, Director